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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/849,554	05/04/2001	Bruno Johannes Ehrnsperger	8391	1139

27752 7590 12/10/2002

THE PROCTER & GAMBLE COMPANY
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EXAMINER	
CINTINS, IVARS C	
ART UNIT	PAPER NUMBER
1724	

DATE MAILED: 12/10/2002

7

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.	Applicant(s)
09/849,554	Ehrnsperger et al.
Examiner	**Art Unit**
Ivars Cintins	1724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *Oct 3, 2002* .

2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-30* is/are pending in the application.

4a) Of the above, claim(s) *26-30* is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-25* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) ☐ All b) ☐ Some* c) ☐ None of:

1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____ .
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

14) ☒ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

a) ☐ The translation of the foreign language provisional application has been received.

15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 4
4) ☐ Interview Summary (PTO-413) Paper No(s). _____
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other:

Applicant's election of Group I, claims 1-25, in Paper No. 6 is acknowledged. Also acknowledged is Applicant's election of:

(1) surface cross-linked polyacrylate as the absorbent matrix species;

(2) particulate as the morphology species;

(3) woven sheet as the physical form species;

(4) temperature as the triggering mechanism species;

(5) decamethylcyclopentasiloxane as the lipophilic fluid species; and

(6) surfactant as the adjunct ingredient species.

Because Applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (see MPEP § 818.03(a)). Claims 26-30 are withdrawn from further consideration, as being directed to a non-elected invention.

The use of the trademark "TEFLON" has been noted in this application (e.g. page 27, line 13 of the specification; and line 4 of claims 5 and 23). It should be capitalized wherever it appears and be accompanied by the generic terminology. Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in any manner which might adversely affect their validity as trademarks.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 4, 5, 7, 11, 18, 22 and 23 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. The term "selected from the group consisting essentially of" (claims 4, 5, 7, 11, 18, 22 and 23) is deemed to be improper Markush language, and therefore indefinite. Applicant is advised that an amendment deleting "essentially" from the above noted expression would overcome this portion of the rejection. Also, The trademark recited in claims 5 and 23 (line 4) is deemed to be indefinite because the formula or characteristics of a product may change from time to time, and yet it may continue to be sold under the same trademark. See M.P.E.P. § 608.01(v).

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless -
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 4, 7, 9, 10, 13, 14, 18-20, 22 and 24 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Haase (U.S. Patent No. 3,733,267). See col. 2, lines 64-67; col. 4, lines 21-26; col. 5, lines 45-46; and col. 8, lines 52-68.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 6, 12 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Haase. The reference discloses the claimed invention with the exception of the amount of sorbent (high surface area material) present in the matrix (claim 6), the temperature of the fluid undergoing treatment (claim 12), and amount of emulsifier present in the emulsion (claim 15). However, the exact amount of adsorbent present in the matrix, the exact temperature of the fluid undergoing treatment, and the exact amount of emulsifier present in the emulsion are not seen to materially affect the overall results of the reference process, or to produce any new and unexpected results; and are

therefore deemed to be obvious matters of choice, which are insufficient to patentably distinguish claims 6, 12 and 15.

Claims 3, 8, 21 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Haase in view of Freeman et al. (U.S. Patent No. 4,747,960). Haase discloses the claimed invention with the exception of the particular water absorbent material employed (claims 3 and 21), and the physical form of the absorbent matrix (claims 8 and 25). Freeman et al. teaches a water absorbent material comprising a porous woven sheet (col. 3, line 4) impregnated with a cross-linked polyacrylate (col. 2, line 18). It would have been obvious to one of ordinary skill in the art at the time the invention was made to substitute the water absorbent material of Freeman et al. for the water absorbent material of Haase, since this secondary reference water absorbent material is capable of removing water from a fluid in substantially the same manner as the water absorbent material of the primary reference, to produce substantially the same results.

Claims 5 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Haase in view of Hou et al. (U.S. Patent No. 4,309,247). Haase discloses the claimed invention with the exception of the recited spacer material. Hou et al. discloses a filter sheet comprising clay, activated carbon, polystyrene and/or polyethylene (see col. 5, lines 15, 16 and 19). It would

have been obvious to one of ordinary skill in the art at the time the invention was made to employ polystyrene and/or polyethylene in combination with the clay and activated carbon of the Haase filter, as suggested by Hou et al., in order to provide additional filtration capability for the filter of this primary reference.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Haase in view of Segall et al. (U.S. Patent No. 3,441,501). Haase discloses the claimed invention with the exception of the recited regeneration (i.e. triggering water release) step. Segall et al. discloses regenerating a water absorbent material in the recited manner (see col. 2, last line through col. 3, line 2); and it would have been obvious to one of ordinary skill in the art at the time the invention was made to regenerate the water absorbent material of Haase in the manner suggested by Segall et al., in order to enable reuse of this primary reference water absorbent material.

Claims 16 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Haase in view of Kasprzak (U.S. Patent No. 4,685,930). Haase discloses the claimed invention with the exception of the recited lipophilic fluid. Kasprzak discloses that decamethylcyclopentasiloxane is a well known dry cleaning fluid (see line 4 of the abstract; and col. 2, last line through

col. 3, line 1). It would have been obvious to one of ordinary skill in the art at the time the invention was made to substitute the dry cleaning fluid of Kasprzak for the dry cleaning fluid of Haase, since this secondary reference dry cleaning fluid is capable of cleaning textiles in substantially the same manner as the dry cleaning fluid of the primary reference, to produce substantially the same results.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to I. Cintins whose telephone number is (703) 308-3840. The examiner can normally be reached on Monday through Friday from 8:30 AM to 5:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. David Simmons, can be reached at (703) 308-1972.

The fax phone numbers for this art unit are: (703) 872-9311 for "Official" faxes after Final Rejection; (703) 872-9310 for all other "Official" faxes; and (703) 872-9492 for "Draft" and other "Unofficial" faxes.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0661.

Ivars Cintins

Ivars C. Cintins
Primary Examiner
Art Unit 1724

I. Cintins
December 7, 2002